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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

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BRYAN KEITH RICHARDSON,

Plaintiff,

*versus*

LEAGUE MEDICAL CONCEPTS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:16-CV-62

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND  
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Bryan Keith Richardson, proceeding *pro se* and *in forma pauperis*, filed this civil action pursuant to the Federal Tort Claims Act (FTCA) against League Medical Concepts, Dr. Polaurapu, Nurse Byrd, Physician Assistant Henderson, Dr. Michael T. Oszcakiewicz, P. Nelson, Edwards, Dr. Reddy Keshava, Nurse Rose, and the United States of America.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the claims against League Medical Concepts, Dr. Polaurapu, Nurse Byrd, Physician Assistant Henderson, Dr. Michael T. Oszcakiewicz, P. Nelson, Edwards, Dr. Reddy Keshava, and Nurse Rose.

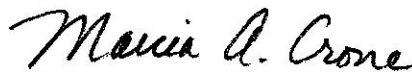
The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes the objections are without merit because the United States of America is the only proper defendant in an FTCA action. *Galvin v. Occupational Safety & Health Admin.*, 860 F.2d 181, 183 (5th Cir. 1988).

### **ORDER**

Accordingly, plaintiff's objections (#65) are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge (#61) is **ADOPTED**. A partial judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Plano, Texas, this 17th day of September, 2018.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE